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Human Rights in Burma
Where Are We Now and What Do We Do Next?

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Subcommittee on Africa, Global Human Rights and International Operations
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Mr. Chairman:

Thank you very much for inviting me to testify at this hearing and for your tireless leadership on behalf of human rights in Burma.

I have two straightforward points to convey to the Committee today. First, the situation in Burma is as bleak today as at any point in that country's sad recent history. The Burmese government's repression, paranoia and mismanagement continue to cause misery and suffering inside Burma and pose a growing threat to the stability and well-being of Burma's neighbors. Second, there is growing recognition of these facts among Burma's neighbors and around the world. For this reason, though this is a profoundly unhappy moment for Burma, it is also a moment of opportunity for those who are working for change – an opportunity the United States should seize.

Conditions Inside Burma

Burma's military government, the State Peace and Development Council (SPDC), has made many promises of political reform and reconciliation in recent years. The junta's pledges continue to be empty rhetoric. The 2003 "road map" for a transition to democracy in Burma has made no progress. The National Convention to discuss and promulgate principles for a new constitution has continued to flounder, with no timetable for progress and no role for the genuine representatives of the Burmese people. The convention met from February to March 2005, but included no representatives from the National League for Democracy (NLD) and several other ethnic nationality political parties which won seats in the 1990 elections.

The SPDC continues to ban virtually all opposition political activity and to persecute democracy and human rights activists. Almost all offices of pro-democracy and ethnic nationality political parties remain closed, except for the NLD

headquarters in Rangoon, which is under heavy surveillance. Freedom of expression, assembly, and association are non-existent.

Despite the release of 249 political prisoners in July 2005, the junta continues to detain and arrest people who express their political opinions. More than 1,100 people are currently imprisoned for their political beliefs. Though her followers have been relentlessly persecuted and she herself has been brutally assaulted by the junta's armed thugs, NLD leader Aung San Suu Kyi has remained steadfast in her call for reconciliation and dialogue – for a solution to Burma's problems that is negotiated calmly between its government and its people. Yet the junta continues to hold her in virtually solitary confinement without access to newspapers, telephones, or any correspondence.

Perhaps the most horrific of the junta's abuses are committed against civilians living in Burma's ethnic minority areas. The SPDC's forcible relocation of minority ethnic groups has destroyed nearly three thousand villages, not just in areas of active ethnic insurgency but also in areas targeted for infrastructure development. Forced relocation of entire villages continues. Government armed forces continue to engage in summary executions, torture, and the rape of women and girls.

This campaign can only be described as ethnic cleaning on a very large scale. Hundreds of thousands of people, most of them from ethnic minority groups, live precariously inside Burma as internally displaced people. More than two million have fled to neighboring countries, in particular Thailand, where they face difficult circumstances as asylum seekers or illegal immigrants.

The Burmese government has refused international access to areas of ongoing conflict, cutting off humanitarian assistance to internally displaced persons in violation of international humanitarian law. Hundreds of thousands of villagers have been forced to work as porters or laborers for little or no pay. Those who refuse to provide mandatory labor are often threatened with prosecution, or exhorted to pay a fee in lieu of their duties. Those who do not properly carry out their tasks are often shot or beaten to death. Anyone found to have made what the government deems "false complaints" to the International Labor Organization (ILO) can face prosecution. Children also continue to be forcibly recruited by government armed forces.

While seventeen ceasefire agreements have brought an end to the fighting in some areas of Burma, they have not resulted in political settlements or significant improvements in the daily lives of villagers. In 2005 there was an increase in government military presence in certain ceasefire areas, and the political concerns of ethnic communities have been left unaddressed in the deliberations of the National Convention.

Some ethnic groups are now reconsidering ceasefire agreements, while some ceasefires have already broken down. The arrests of several Shan leaders, including the President of the Shan State Peace Council (SSPC) and the Chairman of the Shan Nationalities League for Democracy (SNLD) in early 2005, led to the withdrawal of the Shan State National Army (SSNA) from its ceasefire agreement with the government. Peace talks between the government and the Karen National Union (KNU) also stalled in 2005 as Burmese forces continued to attack and destroy villages populated by Karen civilians or to uproot them from their homes to gain control over their land.

Meanwhile, the people of Burma continue to live in terrible poverty. The military junta devotes only a tiny fraction of its own resources to the health and education of the Burmese people, even as it demands that outside donors provide it with aid. Because of the dire humanitarian situation in Burma, some international agencies have tried to help. The Global Fund to Fight AIDS, Tuberculosis and Malaria, for example, had planned to spend $100 million over five years in Burma, which has hundreds of thousands of HIV-positive people. But the Fund withdrew from Burma in December because the junta was making it impossible for its staff to operate in a way that was transparent and beneficial to the people of Burma. Last year, the Burmese government also

announced that was withdrawing from the International Labor Organization, which has maintained a presence in the country to encourage an end to forced labor.

Diplomatic Opportunity

Mr. Chairman, it's always been clear to those of us who follow events in Burma that change in that country can come only from within. But pressure from the outside has made and will continue to make a crucial difference. It has helped to keep the democratic movement inside the country alive, literally as well as figuratively. It is the only reason the Burmese government has ever agreed to even consider reform and reconciliation, and it will play an even more critical role when the moment of transition comes, as I believe it inevitably must.

Unfortunately, outside pressure on the military junta has been inconsistent, largely because Burma's immediate neighbors have been indifferent or actively hostile to any international effort to encourage reform. As I mentioned at the outset, however, there is growing recognition around the world that the Burmese government's policies are leading to a dead end. And thus, the key international actors are beginning to speak with something more like a single voice.

This recognition was brought on in part by a bizarre event. Late last year, Burma's military government announced that it was moving the country's capitol from Rangoon – by far the largest city in the country and the center of its economic, political and cultural life – to a so called "command and control center" in the jungle near a small provincial town called Pyinmana. Thousands of civil servants were told to pack their bags and move to this place, which until recently had no running water and barely any infrastructure. According to the ILO and press reports, at the site of the new capitol, the military has conscripted forced laborers to build government buildings, bunkers, and escape tunnels alongside luxury mansions and golf courses for the junta leaders. When the announcement was made, Burma's Information Minister, General Kyaw Hsan, read a statement to the press. It said: "If you need to communicate on urgent matters, you can send a fax to Pyinmana. We will send you new numbers in due course, and you will be informed of the date to start communicating with us."

Now, so much can be said about this move, Mr. Chairman. It shows how disconnected Burma's military junta is from the country it rules – the generals want to control Burma, but in a sense they want no part of it; they would rather burrow into a bunker in a mountain with no contact whatsoever with the people, culture or life of their nation. It shows how fearful this government is of the Burmese people, even as it instills fear in them. It may have some implications for the stability of the regime – we can only imagine how the many thousands of officials feel about being uprooted suddenly from their country's relatively cosmopolitan capitol, either leaving their families behind or taking them to the jungle, and what conclusions they are drawing about the sanity of their leaders. Such things have unpredictable consequences.

But for now, one thing we do know is that this move has affected Burma's image in Asia and its relations with its neighbors in the Association for Southeast Asian Nations (ASEAN). ASEAN was already frustrated by Burma's failure to keep its promises of reform. Now it has been embarrassed by its bizarre behavior, which has called further into question ASEAN's decision to admit Burma as a member.

Last year, ASEAN decided not to allow Burma to take its turn as ASEAN chairman, in part because the United States and other Western countries would have sharply limited their engagement with a Burma-led ASEAN. And recently, regional leaders have been making increasingly explicit and pointed calls on Burma to accelerate political change. Most remarkably, in January the Foreign Minister of Indonesia, Hassan Wirayuda, suggested that Burma posed a threat to regional stability – precisely the point critics of the regime have long urged ASEAN members to recognize, and the best answer to those in the region who say that repression in Burma is simply an internal affair.

Burma has predictably pushed back against pressure from ASEAN. In January, it delayed a visit by the Malaysian Foreign Minister, who had been charged by ASEAN to assess Burma's progress towards democracy. Its excuse was that it was too busy to receive the envoy because it was preoccupied with moving its capitol city! Nevertheless, I believe that criticism from neighboring countries matters a great deal to the Burmese leadership, because these countries have been an important source of political and financial support to the regime.

To its credit, the Bush administration has also been stepping up its engagement. In December, the administration led an effort to bring Burma, for the very first time, before the U.N. Security Council. The United States argued, rightly, that repression inside Burma, particularly the killing and displacement of minority peoples, had reached a scale similar to that of other crisis situations to which the Security Council has responded. And it pointed out, correctly, that the impact of this repression is felt beyond Burma's borders, as refugees flee the country, as uncontrolled diseases like AIDS spread to neighboring countries, and as deadly drugs are exported by militias allied with the military junta.

The Security Council's first step was modest – it simply held a briefing on Burma – and there are clearly members of the Council, including China, that do not want the issue to arise again. The administration, however, made clear that it did not want this briefing to be a one-time event. The State Department said that "continuing U.N. Security Council engagement" on Burma was "essential."

I believe that the Burmese government is profoundly concerned about the potential of Security Council involvement. And it should be. The Council is not just a talk shop. It has the capacity to act, with the full authority of the international community, to enforce the international standards the Burmese government has so long been flouting.

The most important thing the United States can do in the coming months, Mr. Chairman, is to stand by its commitment to keep Burma on the Security Council agenda. That will not be easy. It will require making a significant diplomatic effort over the coming months. But it is possible – as the United States has already shown. And the results may be profound. The goal should be to build support for a Security Council resolution that will set clear benchmarks for reform in Burma and impose targeted sanctions if those benchmarks are not met. The U.N. could also appoint a Commission of Inquiry to investigate whether the Burmese military has committed war crimes and crimes against humanity in its campaign against ethnic minority groups – as it did in the case of Darfur, Sudan, and a decade before in Bosnia. The Burmese military's campaign of killing, rape, and displacement in minority areas clearly merits such an investigation, and Burma's leaders should be on notice that they can be held accountable.

Finally, the Congress should do its part by renewing sanctions against Burma again this year. To do otherwise, in the absence of any steps towards reform in Burma, would send exactly the wrong signal to Burma's leaders, and a confusing message to all those countries the United States is now rightly asking to support <u>increased</u> pressure against the Burmese government.

Mr. Chairman, it would be easy, looking back on the last 15 years of struggle for democracy and human rights in Burma to lose interest and hope. But let's remember: governments like the Burmese junta have come many times in history, and most of them have gone, or evolved beyond recognition. There is no primer that tells us in precise detail how to bring such change about; there is no unified-field theory of democracy promotion. But I think history does teach us that governments such as this do change when their leaders become demoralized – demoralized because they are despised by their people; because they are abandoned by their allies; because they feel they are losing control of events; because they costs of continued repression begin to outweigh the benefits.

Aung San Suu Kyi has made clear that when the generals get there, the Burmese opposition will hand them an olive branch, that there can be reconciliation in Burma, a way forward in which the military has a place of honor. But for now, it is our job in the international community to help push them to that point.

To that end, let us all stay the course.